

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
-vs-) Case No. CR-04-049-1-F
)
DONALD A. ENGLISH,)
)
Defendant.)

ORDER

Before the court is the motion of the defendant Donald English for authorization to incur investigative expenses, filed on May 23, 2005 (docket entry no. 291).

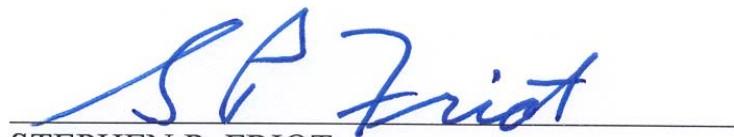
The motion, which is not this defendant's first motion for authorization to incur investigative expenses, seeks authorization to commit an amount not to exceed \$2,900.00 to pay for the services of a forensic financial investigator "to review discovery and evidence in this case in order to determine the correct amount of actual loss and restitution." Motion, at 1. The motion concludes that "[i]n order to adequately prepare for the sentencing in this case, defendant must be prepared to rebut the actual loss and amount of restitution." Id., at 3.

Mr. English takes issue with the proposed \$8.8 million figure for the actual loss which resulted from his criminal activities.

The court has carefully reviewed the motion as well as the revised presentence investigation report and the objections to the presentence investigation report. It does not appear that the results of the proposed investigative services would make a difference in the disposition of this case as to the defendant English at sentencing.

There is no need for a contest, for sentencing purposes, over whether the actual amount of the loss is \$8.8 million or anything close to that amount. It has not been made to appear that, even under the loss scenario most favorable to Mr. English, the amount of the loss could be reduced to a level that would make, or could reasonably be expected to make, an actual difference in the sentence to be imposed (or the amount of restitution to be required) after consideration of the controlling statutory provisions and the advisory sentencing guidelines. Accordingly, the motion is **DENIED**.

DATED May 24, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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